

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi State Port Authority at Gulfport		CONTACT PERSON Matthew S. Wypyski	TELEPHONE NUMBER (228) 865-4300
ADDRESS P.O. Box 40		CITY Gulfport	STATE MS
EMAIL mwypyski@shipmspa.com	SUBMIT DATE 4-11-13	Name or number of rule(s): Part 309 – Section 3 Plan of the Restoration Project of the Mississippi State Port Authority at Gulfport (designated as a manual)	

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The purpose of the amendments are to meet the compliance requirements of the Mississippi Secretary of State for submission into the Administrative Bulletin for eventual publication into the Administrative Code.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. § 59-5-1, et seq. and 24 CFR Part 135.

List all rules repealed, amended, or suspended by the proposed rule: None.

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

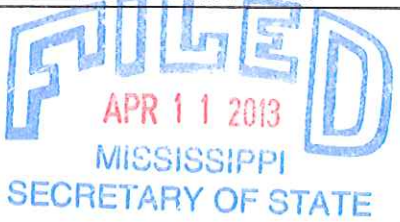
ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ X 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Matthew Wypyski, Interim Executive Director

Signature of person authorized to file rules: *M. S. Wypyski*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____	<div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> Accepted for filing by <u><i>[Signature]</i></u>	<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME Mississippi State Port Authority	CONTACT PERSON Matthew Wypyski	TELEPHONE NUMBER 228-865-4300
ADDRESS P.O. Box 40	CITY Gulfport	STATE MS
EMAIL mwypyski@shipmspa.com	ZIP 39502	
DESCRIPTIVE TITLE OF PROPOSED RULE Part 309 – Section 3 Plan of the Restoration Project of the Mississippi State Port Authority at Gulfport		
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. 59-5-1, et seq. and 24 CFR Part 135.		Reference to Rules repealed, amended or suspended by the Proposed Rule: Part 309 – Section 3 Plan of the Restoration Project of the Mississippi State Port Authority at Gulfport

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:

The beneficiaries of this Rule are intended to be low to moderate income persons who are reached by the outreach and hiring opportunities created by the implementation of the MSPA's Section 3 Plan, as required by 24 CFR Part 135 for the utilization of an HUD CDBG grant.

2. Briefly describe the need for the proposed rule:

A Section 3 Plan is required pursuant to 24 CFR Part 135

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

The Section 3 Plan is required for compliance with the requirements of the CDBG grant provided to the MSPA for port restoration. The purpose of the Section 3 Plan is to assist the MSPA in its goals to provide benefits from the grant to low-to-moderate income individuals.

4. Estimated Cost of implementing proposed action:

- a. To the agency
☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive
- b. To other state or local government entities
☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:

- c. Cost:
☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
- d. Economic Benefit:
☐ Nothing ☐ Minimal ☐ Moderate ☒ Substantial ☐ Excessive

6. Estimated impact on small businesses:

☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

a. Estimate of the number of small businesses subject to the proposed regulation: 70

b. Projected costs for small businesses to comply: Minimal. Approximately a cost equal to two hours of incurred administrative review of Section 3 Plan and related forms. Small business which are awarded public works contracts under the Port Restoration Program will incur minor on-going impact effects of approximately 30 minutes per month for administrative requirements related to preparing monthly Section 3 reports and conducting outreach.

c. Statement of probable effect on impacted small businesses: The probable effect on impacted small businesses will be minimal as it is estimated that compliance with this proposed rule would require a period of two hours for a small business to review the Section 3 Plan forms and business certification requirements.

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☒ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☐ substantially more than ☒ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?

☐ yes ☒ no

2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)
None.

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form.

Without the Section 3 Plan, the MSPA could be found to be out of compliance with the grant requirements and could risk losing the grant. The MSPA has hired a compliance officer and staff for the grant program, therefore, incurring moderate costs. The costs of compliance with Section 3 for the businesses performing work under the grant program is minimal as it is estimated that compliance with this proposed rule would require a period of two hours for a small business to review the Section 3 Plan forms and business certification requirements.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled?

In accordance with Chapter 7 of the Administrative Procedures Act Rules, oral proceedings may be requested by written notice delivered to: Matthew S. Wypyski, Interim Director, Mississippi State Port Authority at Gulfport, P.O. Box 40 Gulfport, MS 39502.

SIGNATURE 	TITLE Interim Executive Director
DATE April 11, 2013	PROPOSED EFFECTIVE DATE OF RULE June 6, 2013